

**THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WASTE MANAGEMENT COUNCIL**

APPEAL of 5N ASSOCIATES

Joint Motion to Continue Appeal Hearing

NOW COME 5N Associates, 40 Temple Street, Nashua, NH 03060, and the State of New Hampshire Department of Environmental Services and file this Joint Motion to Continue the Appeal Hearing on the above-captioned matter, and in support thereof state as follows:

1. The parties have had several productive conversations and meetings to discuss informal resolution of the issues raised in the Appeal.
2. The parties expect the matter can be settled and they continue to work together toward that end.
3. More discussions and meetings will be necessary. Each meeting involves coordinating the busy schedules of several representatives from each side.
4. Both 5N Associates and the Department need more time to resolve the matter and the possibility of resolution on a mutually acceptable basis will be enhanced if the appeals hearing were moved to July 22 from the current June 24, 2004 so that the productive discussions can continue.
5. An essential witness for 5N is not available on June 24, 2004.

WHEREFORE, 5N Associates and the Department respectfully request that the Waste Management Council continue the appeals hearing now scheduled to be held on June 24 to be held instead on July 22, 2004.

Respectfully submitted,


5N ASSOCIATES

By Its Attorneys,

McLANE, GRAF, RAULERSON & MIDDLETON,
Professional Association
15 North Main Street
Concord, NH 03301-4945

By: 
Gregory H. Smith

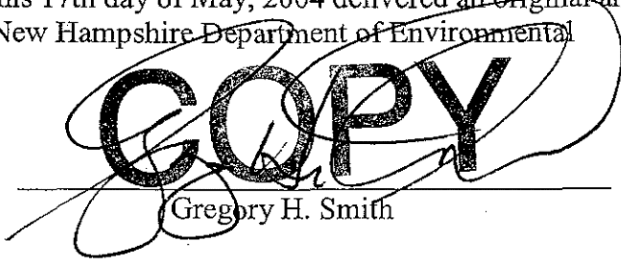
THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES

By: 
Jennifer J. Patterson
Senior Assistant Attorney General
Office of Attorney General
Environmental Protection Bureau
33 Capitol Street
Concord, NH 03301

5/13/04

CERTIFICATE OF SERVICE

I hereby certify that I have on this 17th day of May, 2004 delivered an original and 20 copies of the foregoing Motion to the New Hampshire Department of Environmental Services Waste Management Council.


Gregory H. Smith